

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

DON HAMRICK

PLAINTIFF

v.

No. 4:20-cv-486-DPM

ASA HUTCHINSON, Governor;
JAMES M. MOODY, Federal Judge;
CLAYTON HIGGINS, Case Analyst,
SCOTUS; DAVID SACHAR, Director,
Judicial Discipline Commission; STARK
LIGON, Director, Office of Professional
Responsibility; ROBERT EDWARDS, Judge,
White County Circuit Court; MARK DERRICK,
Judge; MILAS HALE, Judge; DON RANEY,
Prosecutor; JOHN POLLARD, Chief of Police,
City of Kensett, Arkansas; CHRISTINA
ALBERSON, Mayor's Assistant and Clerk,
Kensett District Clerk; LAURA BALLENTINE,
Clerk, Kensett Water Department; MID-SOUTH
HEALTH SYSTEMS

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Deere's thorough recommendation with a modification and a supplement, *Doc. 11*, and overrules Hamrick's objections, *Doc. 14*. FED. R. CIV. P. 72(b)(3). The modification: Hamrick's motion to proceed *in forma pauperis*, *Doc. 1*, is granted because it does not appear that he can afford the filing fee. The supplement: Hamrick's notice of removal of five criminal cases from the Kensett District Court, *No. 8*, does not satisfy the removal

statute he relies upon, 28 U.S.C. § 1455. Other than the case numbers, Hamrick provides no other information about those cases. In particular, he did not append “all process, pleadings, and orders served upon the defendant or defendants in such actions[,]” 28 U.S.C. § 1455(a), or provide his dates of arraignment, so this Court could evaluate the timeliness of the removal, 28 U.S.C. § 1455(b), or provide good cause for an untimely removal, *ibid*. Hamrick also hasn’t satisfied 28 U.S.C. § 1443, which is the applicable substantive companion of § 1455. Claims that “the prosecution is assertedly a sham, corrupt, or without evidentiary basis” aren’t enough standing alone. *Johnson v. Mississippi*, 412 U.S. 213, 219 (1975). And Hamrick doesn’t say that his race prompted anything connected with the prosecution. These criminal cases—CR-19-433, CR-19-875, CR-19-1103, CR-20-70, and CR-20-71—are therefore remanded to the District Court of Kensett, Arkansas.

His complaint, *Doc. 2*, will be dismissed without prejudice. And his motion to appoint counsel, *Doc. 3*, is denied as moot.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

30 September 2020